

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CORNELL CAPITAL PARTNERS, L.P.

Plaintiff,

vs.

EAGLE BROADBAND, INC., H. DEAN
CUBLEY, RICHARD R. ROYALL, A.L.
CLIFFORD, GLENN ALLAN GOERKE, AND
NANCY L. MAIN

Defendants.

Civ. No. 03-1860(WGB)

ORDER AND ORDER FOR
JUDGMENT

This matter having come before the Court on Plaintiff's motion for partial summary judgment on Count One of Plaintiff's Second Amended Complaint and on all four of Defendants' counterclaims, Defendants' partial summary judgment motion on their breach of contract counterclaim and Defendants' motion for summary judgment on Plaintiff's entire Second Amended Complaint based on the lack of evidence of damages pursuant to Fed. R. Civ. P. 56; and

The Court having considered the submissions of the parties and oral argument; and

For good cause shown;

It is on this 28th day of March 2006 ORDERED that

1. Plaintiff's motion for partial summary judgment on Count One of its Second Amended Complaint as to liability is **GRANTED** and on all four of Defendants' counterclaims is **GRANTED**, and therefore,

judgment is entered in favor of Plaintiff on Count One of its Second Amended Complaint and on Defendants' Counterclaims One, Two, Three and Four; and

2. Defendants' motion for partial summary judgment on its breach of contract counterclaim (Counterclaim 1) is **DENIED**; and

3. Defendants' motion for summary judgment on Plaintiff's Second Amended Complaint for lack of evidence of damages is **DENIED** for **Counts One, Two, Nine and Ten**; and

4. Defendants' motion for summary judgment on Plaintiff's Second Amended Complaint for lack of evidence of damages is **GRANTED** for **Counts Three through Eight**; and therefore, judgment is entered in favor of Defendants on Counts Three, Four, Five, Six, Seven and Eight of Plaintiff's Second Amended Complaint.

IT IS FURTHER ORDERED that Plaintiff should provide the Court with an affidavit setting forth the amount of damages and interest together with a proposed judgment and forward a copy to opposing counsel for consent as to form.

IT IS FURTHER ORDERED that upon receipt of this order the parties will contact Judge Arleo to schedule a case management conference.

/s/ William G. Bassler
WILLIAM G. BASSLER, U.S.S.D.J.